

**Zoning Commission Meeting
MINUTES
7:00 PM Thursday, July 23, 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 (from 7:25 to 8:37 p.m.), Vice Chairman M. Grimes, Secretary F. Lollie, J. Cordisco, E. Kukk (from 7:02 to 8:37 p.m.), Alternate and Voting Members where indicated J. D'Entremont and M. Frankel

Absent: Alternate A. Samuelson

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

a) Review Minutes of Previous Meetings:

Alternate Commissioners D'Entremont and Frankel were Voting Members for this item.

6/11/15 - No discussion/no motions.

7/9/15 - **Secretary Lollie moved to approve the Minutes of the July 9, 2015 meeting. Commissioner Frankel seconded the motion. Acting and Vice Chairman Grimes noted the following correction: On Page 2, Item 4.b., 7th paragraph, first sentence, to change the word "road" to "border", so that the sentence reads, "Vice Chairman Grimes added that the area from Silvermine Road to the New Milford border is a ...". Motion carried unanimously.**

Commissioner Kukk arrived at 7:02 p.m., at which time Alternate Commissioner Frankel was no longer a Voting Member.

2) Land Use Enforcement

[no item]

a) Enforcement Officer's Report:

Requests for Voluntary Compliance

Requests for Voluntary Compliance

371 Candlewood Lake Rd., #201500660 – ZEO Dew advised that the property owner does not like the sign, but noted that it meets the regulations and was approved. There is no zoning issue present except for the ice cooler. A Request for Voluntary Compliance was sent to the complainant and the tenant.

37 Vale Rd., #201500659 – ZEO Dew received a complaint regarding someone living at this site in a fifth wheel trailer. She called the property owner and he verified this. ZEO Dew has been in touch with Social Services, who is attempting to find another place for this person to live. ZEO Dew set a deadline for August 13, 2015. **Acting and Vice Chairman Grimes moved to issue a Cease and Desist if no compliance by August 13, 2015. Secretary Lollie seconded the motion, and it carried unanimously.**

Cease and Desist Orders

330 Candlewood Lake Rd., #201500529 - The Commission requested that this item remain on the Report.

Town Counsel Actions

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

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

14 Oak Grove Rd., #201300832 - No change.

148 North Lake Shore, #20131115 - No change.

ZEO Dew advised that the new blight ordinance takes effect July 27, 2015.

Secretary Lollie moved to go Item 6. Commissioner Kukk seconded the motion, and it carried unanimously.

3) Review Correspondence

[no item]

a) Minutes of other Boards and Commissions:

No discussion/no motions.

4) Continued Public Hearing:

[no item]

a) Proposed Moratorium on Residential Development in the Town Center District #201500518: Section 242-505

Chairman Blessey opened the continued Public Hearing. Secretary Lollie read the legal notice, which was published in the Pennysaver on June 25, 2015, and July 2, 2015. Chairman Blessey noted that the application was received on June 11, 2015. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie read an email dated 7/23/15 from H. Lasser in support of the moratorium. Chairman Blessey noted that letters and communication left at a Commissioners' private residence are not considered correspondence for the file. He added that any and all zoning inquiries must be emailed or sent via the Land Use Office.

Chairman Blessey explained that the Zoning Commission is the applicant, and the application was initially presented two weeks ago. He advised that the Commission is deliberating whether or not to put a moratorium on residential housing in the Town Center District in response to concerns that there is too much residential development occurring too quickly. Chairman Blessey stated that developers have gotten around certain design requirements because of federal funding.

Vice Chairman Grimes thanked Selectman Flynn for the information that he provided at the last meeting. He reiterated that the Commission has no control over how developers finance their projects, but does apply stipulations when warranted.

Chairman Blessey advised that additional information was requested from T. Poole, but was not received. CDD Daniel indicated that the information requested by Mr. Poole, from the fire department, was not received.

Chairman Blessey inquired if there were questions of clarification. At this time, there were none.

Chairman Blessey noted that someone inquired at the last meeting, if the Town of Brookfield, because it did not make an incentive housing application to the State, was legally unable to put a maximum on the number of units in the developed parcel that could be rented out as incentive housing. He advised that the regulations currently have minimums, and, as written, it is possible for a developer to rent all of the development's units at an incentive rate. Chairman Blessey indicated that he checked with the Town Attorney to determine if the Commission can cap the amount of incentive housing units. He further stated that the purpose of an incentive housing zone was to allow control to prohibit affordable housing applications in that zone. The only way to get a zone to be protected from affordable housing is by making application for an incentive housing overlay zone to the State Housing Commissioner. If a regulation change was made by the Commission, to cap incentive housing units, Chairman Blessey stated he is unsure if the State would have to approve the incentive housing zone. Additionally, there is a concern that a moratorium would discourage commercial developers. Chairman Blessey indicated that it is the Town Attorney's opinion that Town does have the authority to put a maximum on how much of an approved development can be marketed at the incentive rate.

The following members of the audience had questions of clarification:

H. Kurfehs, 42 Obtuse Rd. North, was present. He inquired if it is possible for the Commission to achieve its goals of setting a maximum without the moratorium. Chairman Blessey indicated it would be if the Commission had the authority to impose a stipulation of approval, on all previously approved projects, to comply with a regulation that has not yet been changed.

A. Elban, 28 Great Heron Lane, was present. She inquired what the area that was being discussed was comprised of, and CDD Daniel and Commissioner Cordisco outlined the area on a map.

E. Straiton, 9 Woodcreek Rd., was present. She inquired if there was a possible maximum for incentive housing units, and Chairman Blessey advised that the current regulation reads not less than 20%, and would apply to the developments approved to date. He then went on to explain the overlay zone.

S. Dunn, 24 Lyndenwood Dr., was present. He inquired if the current incentive housing percentage will affect the ability of the Town to require a percentage of commercial development, that in turn would affect the development of the Town Center District. Chairman Blessey advised that the percentage requirement of commercial (30%) cannot be changed.

D. Dougherty, 134 Stillwater Circle, was present. He inquired if it is legal for the Town to put together an incentive program that might involve local realtors and lenders. He was advised by Vice Chairman Grimes that this question would be better addressed by the Economic Development Commission.

W. Cenyán, 322 Stillwater Circle, was present. She inquired if the moratorium would limit commercial/residential development applications. Chairman Blessey advised that if the moratorium passed, any application that involves incentive housing residential units would not be considered; however, a moratorium would have no effect on an affordable housing application.

The following individuals spoke in favor of the application: 1) S. Dunn, 24 Lyndenwood Dr.; 2) M. Proper, 51 Great Heron Lane, citing an email he sent to Chairman Blessey and providing a hard copy; 3) J. Dougherty, 134 Stillwater Circle; also inquiring regarding the missing emergency services information, and concern related to traffic/infrastructure (Vice Chairman Grimes advised that safety is a concern with every application, and Chairman Blessey noted that the emergency services information was requested, but not yet received. Chairman Blessey and Vice Chairman Grimes explained that traffic is looked at for every application via traffic studies and State guidelines); 4) J. Elbaum, 28 Great Heron Lane, on behalf of the Association Board, advising it is in favor of moratorium; 5) A. Ventura, 111 Stillwater Circle, requesting that the Commission consider any effect on the schools; 6) J. Lajava, 39 Elbow Hill Rd., requesting that putting a maximum percentage on incentive units consider the impact on commercial development; 7) E. Straiton, 9 Wood Creek Rd., who inquired if a moratorium would prompt developers to make application for affordable housing, or if the Commission felt they would wait until the State approved the Town's application for incentive housing. Chairman Blessey advised that the developers would have that option, and there is no way of determining how long it would take for the State to decide on the IH application.

Vice Chairman Grimes noted that there is currently an affordable housing application before the Inland Wetlands and

Zoning Commissions.

The following spoke in opposition to the application: 1) H. Kurfehs, 42 Obtuse Rd. North, noting the amount of time that went into planning the Town Center, and stating that a moratorium would be "disastrous" for commercial development. He encouraged the Commission to speak with applicants for already approved applications to see if they would voluntarily consider putting a maximum on IH units. Mr. Kurfehs cited Mr. Poole's study's determination that an area within a 10-minute-drive radius can absorb 2,500 units of residential housing.

Commissioner D'Entremont stated he was against the moratorium, noting that only one approved development has been built. Commissioner Cordisco pointed out that while safety is a paramount concern, he believes that some of the new residents that would volunteer with the Town's emergency services department. He also stated that the newer construction is more fire-safe. Commissioner Cordisco recommended that the Commission work toward putting a maximum on the number of units, and continue to work toward developing commercially in the Town Center District. Commissioner Kukuk stated he is against the moratorium because it will halt the Town Center growth. Vice Chairman Grimes stated his satisfaction with the participation of community members in the discussion on this application. He advised that a moratorium would have dire consequences on development and go against the message that Brookfield is trying to send out to commercial developers, that the Town is "open for business". Secretary Lollie noted the importance of developing a pedestrian-friendly downtown area, and that implementing a moratorium will send the wrong message to developers. Commissioner Frankel advised that she is concerned with the infrastructure, the increased traffic, the ability of volunteer personnel to handle emergency calls, and the amount of units that have already been approved. She is in favor of a moratorium. Chairman Blessey advised he is opposed to the moratorium, citing that if residential units are put in the Town Center, commercial development will follow.

Vice Chairman Grimes moved to close the Public Hearing for the Proposed Moratorium on Residential Development in the Town Center District, #201500518: Section 242-505. Commissioner Kukuk noted that at one point, developers were discouraging the Commission from increasing the percentages. He stated he believes a moratorium would "really drive them away". Secretary Lollie seconded the motion, and it carried unanimously.

Commissioner Kukuk moved to deny #201500518, Proposed Moratorium on Residential Development in the Town Center District. Commissioner Cordisco seconded the motion, and it carried unanimously.

A five minute recess was taken at 8:37 p.m.

Chairman Blessey and Commissioner Kukuk did not return to the meeting when it resumed at 8:42 p.m., therefore, Alternate Commissioners D'Entremont and Frankel were Voting Members.

5) Old Business:

[no item]

- a) 854-874 Federal Rd (The Enclave at Brookfield Center) #201500608: Design Review for an affordable housing project (Public Hearing scheduled for 8/13/15)
No discussion/no motions.
- b) Accessory Apartments: Discussion
No discussion/no motions.

6) New Business:

[no item]

- a) 21 Obtuse Rd South (Shakespeare's Garden) #201500650: Site Plan Modification to install two (2) greenhouses

S. Fancher, was present, for Shakespeare's garden. He reviewed plans to construct 2 metal greenhouses, to increase growing space for vegetables. There are currently six at the site. Commissioner Frankel inquired what regulation this application falls under, and inquired if it involved expanding a non-conforming use. Section 242-401A(4) was read by ZEO Dew. Commissioner Frankel inquired if there was a survey of the property. Mr. Fancher provided one and showed Commissioner Frankel where the greenhouses would be going. She noted there may be setback issues if there are two parcels. The map is from 1978, and Mr. Fancher submitted a copy. Commissioner Cordisco inquired regarding the tanks on the property, and Mr. Fancher indicated there are six 100-gallon tanks on property that are adjacent to the green house. Secretary Lollie inquired regarding the height of greenhouse, and was advised it was 13 feet.

Secretary Frankel moved to approve #201500650: Site Plan Modification to install two (2) greenhouses on the property per the site plan, at 21 Obtuse Rd South, as presented on an A2 survey, as it meets the requirements under Section 242-401A(4), for agriculture, farming, silvaculture, landscape services, truck or nursery gardening Commissioner D'Entremont seconded the motion, and it carried unanimously.

Secretary Lollie moved to amend the Agenda to add as Item 6.b., 49 Federal Rd., sign application. Commissioner Kukuk seconded the motion, and it carried unanimously.

b) b. 49 Federal Rd., Sign Application

S. Houssein, and D. Sequeira, 49 Federal Rd., were present. Mr. Houssein advised that the application is to replace an existing sign. Secretary Lollie advised that the specifications meet the regulations.

Commissioner Kukk moved to approve #201500679, for a sign application at 49 Federal Rd., as applied for. Secretary Lollie seconded the motion, and it carried unanimously.

7) Tabled Items:

None.

8) Informal Discussion:

[no item]

a) 10 Huckleberry Hill Rd (YMCA): bubble over the outdoor pool
Withdrawn.

b) 71 Pocono Rd: possible development (requested by S. Sullivan of CCA, LLC)

S. Sullivan, PE, CCA, 40 Old New Milford Rd., and E. Baptista, were present. Mr. Sullivan advised that Mr. Baptista is looking at developing this narrow plot. Mr. Baptista would like to install a 10,000 square foot building to house maintenance and repair equipment for the Dunkin Donuts businesses he owns and operates. The zone is IL80, and in the aquifer. After reviewing the permitted uses, Mr. Sullivan likened it to Sunburst Landscaping at 419 Federal Road. Mr. Baptista explained that he would put as many machines (sanders, plows, etc.) inside of the building, and there would be no storage of chemicals. There was discussion regarding the uses of a landscaping business and a contractor's yard. The Commission requested that Mr. Baptista complete an application with details for its review.

c) Site Plans, Special Permits and A-2 Surveys: Discussion
Please remove this item from the agenda.

d) Incentive Housing Application to State of CT: Requested by K. Daniel

Community Development Director K. Daniel was present. She shared copies of an incentive housing zone application to the State. She noted that the application requires a calculation of the total number incentive housing units that could be developed in an approved state incentive housing zone. CDD Daniel explained a spreadsheet of the area, that displays the addresses in the zone, along with the developable land, underutilized land, public use, conservation easement, restrictions/prohibitions, wetlands, , unsuitable for development land, and historic district considerations, for potential, proposed, and approved incentive housing zone units.

Chairman Blessey arrived at 7:25 p.m., at which time Alternate J. D'Entremont was no longer a Voting Member.

CDD Daniel's handout also included a map of parcels in the zone. She indicated that she excluded historic district properties as well as existing businesses from her calculation.

Discussion until 7:30 p.m., at which time the Public Hearing began.

After the recess that followed the Public Hearing, CDD Daniel continued her discussion. She advised that she felt that 902 and 896 Federal Road should remain in the incentive housing zone because they are "primed for redevelopment".

Commissioner Frankel inquired if CDD Daniel could link the addresses, by number, with the properties on the map. CDD Daniel went over the specific coloring on the map, and the details listed for each address. She agreed to number the sites on the map.

There was discussion regarding putting this item on the agenda for the next regular meeting, or scheduling a special meeting.

There was discussion regarding following through with the application to the State for the incentive housing zone, and for the Commission to file its own application to put a cap on the maximum number of units. This matter will be on the agenda for the next meeting. It was noted that C.G.S. 8-30g applications cannot be filed in incentive housing zones.

CDD Daniel will revise the map and chart to have numbers associated with parcels, and Secretary Lollie will work on the application for the cap. CDD Daniel noted the benefits of having the housing study done already.

9) Comments of Commissioners:

None.

10)Adjourn:

Commissioner Cordisco moved to adjourn the meeting at 8:55 p.m. Secretary Lollie seconded the motion, and it carried unanimously.