

Amended/Approved Minutes  
BROOKFIELD PLANNING COMMISSION  
THURSDAY, January 3, 2013 7:30 PM  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

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1. **Convene Meeting** : Vice Chairman/Acting Chairman A. Kerley convened the meeting at 7:30 p.m. and established a quorum of members: A. Kerley, Vice Chairman/Acting Chairman; Secretary D. Frankel; Regular member P. Conlon; Alternates L. Taylor,\* and N. Tolmoff.\* Also present; Town Director of Public Works R. Tedesco and Recording Secretary J. Llewellyn.

\*L. Taylor and N. Tolmoff were appointed voting members.

Absent: Chairman J. Van Hise and R. Baiad.

2. **Review Minutes of Previous Meetings: 12/06/12:** A motion to approve the minutes of 12/6/12 as submitted was made by P. Conlon, seconded by D. Frankel and carried 3-0-2 with N. Tolmoff and L. Taylor abstaining (not present at this meeting).

*D. Frankel noted that he notice a typo in the last paragraph of the Minutes of the site walk on 11/23/12. Please add to the next agenda.*

A motion was made by P. Conlon, seconded by D. Frankel, to amend the agenda to go to item 3: Nomination of Officers. Motion carried unanimously.

3. **Old Business:**

a. **Nomination of Officers for the 2013 Calendar Year:** Recommendation of the Nominating Committee. R. Baiad and P. Conlon comprise the Nominating Committee. P. Conlon indicated that per their deliberations, they would retain the present slate: J. Van Hise, Chairman; A. Kerley, Vice Chairman and D. Frankel, Secretary.

A motion was made by P. Conlon, seconded by D. Frankel to amend the agenda to go to items 4b and 4c under New Business. Motion carried unanimously.

4. **New Business:**

b. **Proposed Zone Change #201201074: IRC 80/40 to R-40**

1. Memo from the Zoning Commission to the Planning Commission dated 12/13/12 Re: Proposed Zone Change
  - Application for Zone Change #201201074

The Commission reviewed this proposal. A motion was made by P. Conlon to send a memo to the Zoning Commission with respect to #201201074, stating that the Planning Commission looks favorably on this proposed zone change and has no objection to it. N. Tolmoff seconded the motion which carried unanimously.

c. **26 Obtuse Hill Road #201201107: 8-24 Referral – Gurski Homestead Community Gardens**

1. Letter from R. Blessey to the Planning Commission of Brookfield dated 12/19/12
2. Copy of Assessor's Map showing the Gurski Homestead received in the Land Use Office on 12/18/12

The Commission reviewed the proposal to move the garden on the property to a more favorable location, away from historical structures and allow more access to the sun for enhanced gardening. The Commission looks favorably on this proposal, which also includes a shed. P. Conlon sought clarification

over the fact that the plan showed two parking areas. However, the Commission focused on the garden proposal, and a motion was made by N. Tolmoff to send a letter to the Board of Selectmen indicating that the Planning Commission endorses the 8-24 Referral. L. Taylor seconded the motion which carried unanimously.

At this point, the Commission moved to item 6/Correspondence.

**6. Correspondence:**

a. **Letter from D. Sawicki of the Connecticut Department of Transportation to A. Cirignano dated 12/05/12 Re: Oak Meadow Partial Opening:** Vice Chairman Kerley indicated that some Commissioners were familiar with the site from prior site visits. Orchard Hill Condominiums opening, up to 12 units per the recommendation of the DOT. This item was informational only.

**CONTINUED PUBLIC HEARING – 7:45 PM**

a. **101 Obtuse Hill Road #201200961: 6-lot subdivision – “Whispering Glen Section II”**  
(PH close date 01/10/13)

1. **Memo from E. Cole Prescott to the Planning Commission dated 12/14/12 Re: 101 Obtuse Hill Road #201200680: 6-lot subdivision “Whispering Glen Section Two”**

Vice Chairman/Acting Chairman A. Kerley reopened the public hearing and invited Mr. Young, Finmark Custom Homes, to present any additional information to the Commission:

*P. Young, Finmark Custom Homes, present.* Mr. Young outlined the stipulations imposed by the Inland Wetlands Commission on its recent approval. The bond was set by that Commission, and the other request was for declaration covenants. A copy of these were presented to Planning, with Mr. Young noting that the Wetlands Commission and its attorney have also received copies, but they don't meet again until 1/14/13. There are some other stipulations which will be done in the field and/or during the development process, according to Mr. Young. Mr. Tedesco noted that the Planning Commission bond has to be submitted. R. Baiad, *who was not present at this meeting*, was doing the checklist and had said all things were fine. The public hearing fee check was submitted.

**A motion to close the public hearing was made by P. Conlon, seconded by N. Tolmoff and carried unanimously.**

A motion was made by P. Conlon to approve application #201200961, Whispering Glen Section II, with the stipulation that the bond be submitted in the total amount of \$190,963: \$11,000 for pins and monuments; \$11,275 for erosion controls' and \$168,688 for subdivision improvements, and the additional stipulation that all Wetlands Stipulations outlined in their approval be met. D. Frankel seconded and the motion which carried 4-0-1 with N. Tolmoff abstaining (not present for hearings).

**A motion was made by D. Frankel, seconded by P. Conlon, to amend the agenda to go to item 6b: Correspondence. Motion carried unanimously.**

**6. Correspondence:**

b. **Memo from J. Locke to All Boards and Commission Chairpersons dated 12/04/12 Re: Schedule of Meetings for 2013: listing of meeting dates.** Informational only: the Planning Commission had already discussed its meeting dates which were reflected on this schedule.

**PUBLIC HEARING – 8:00 PM**

a. **44 & 52 Obtuse Road South #201200890: Re-subdivision – Ferry Farm Estates**  
(PH close date 01/17/13)

Vice Chairman/Acting Chairman A. Kerley opened the public hearing at 8:00 p.m. Secretary D. Frankel read the legal notice for the record.

*Present was Ms. B. Bevins and P. Szymanski, P.E.* The certified returned receipts were submitted. Mr. Szymanski noted that the property is 28.5 acres in size and the two existing homes are in the northeastern

part of the property. A large wetlands exists in the west. There is some exposed ledge. After resubdivision, the lot proposed to the north will not have development on it. The lot to the south does have a proposed dwelling on it, including septic and driveway. There is also a proposed conservation easement and a 25-foot access strip to the conserved area (5.79 acres) which is 20% of the lot area.. The proposed conservation easement language has been submitted (12/4/12 letter\*\*). Another letter, dated 1/3/13 from Mr. Szymanski to Chairman Van Hise states that the applicant is amenable to the Brookfield Open Space Legacy being the grantee of the proposed conservation easement. This was added to the record. The applicant would be willing (per the regulations) to post signage on the conserved area. P. Conlon stated that they noticed a couple of tree stands during the site walk, which the applicant indicated would be removed. The map of record is dated November 15, 2012. Attorney Marcus had noted, however, that the map of record must reflect that this is a *re*-subdivision.

The public was invited to ask questions: M. Lambert of Open Space Legacy indicated that they met with the Conservation Commission, but noted that her group has not had a chance to see the property. They are very interested since this property is contiguous with a greenway on that side of town, abutting Newtown. This will be a conservation easement, clarified the Acting Chairman Kerley. K. Wendelmeyer, also of Open Space Legacy, asked for clarification on who would be responsible for keeping invasive species out. Mr. Szymanski replied that it would be the property owner. She also asked about the difference between the conservation easement and open space and Mr. Szymanski said there would be no public access. Acting Chairman Kerley asked the members of the Open Space Legacy if they had ever overseen an easement vs. open space. Ms. Wendelmeyer indicated this would be the first time they had oversight of a conservation easement, but their involvement would first be subject to a review by the committee along with legal consultation. The Commission challenged the rationale of having a 25-foot access strip, since there would be no public access, per se. Acting Chairman/Vice Chairman Kerley invited the Open Space Legacy to return to this hearing and offer its opinion, after review of the proposal. The applicant offered the Legacy to visit the site as well. G. Montgomery, 42 Obtuse Road, noted that he has owned his property since July, but was not sent a notice of the hearing. Mr. Szymanski said the tax records were used as reference for the notices. Mr. Montgomery said the 25 foot accessway would invite the public to walk close to his lot line. He is concerned about foot traffic near his well, which is also in close proximity of that area. An option might be to move the existing barbed-wire fence to the actual property line. There was a question about ownership of an accessway abutting Mr. Montgomery's property that gives the Ferry family the right to pass and repass. W. Gorman, 40 Obtuse Road S., asked about the purpose of easement width. P. Szymanski noted that it is that width per the regulations. The public was asked if there was anyone to speak in favor of this application. There was no one. Mr. Montgomery did state he would be opposed to that 25 foot accessway. Mr. Szymanski said they would discuss this with the Open Space Legacy.

Vice Chairman/Acting Chairman Kerley asked Mr. Szymanski to investigate what it would cost for the 10% of the appraised fair market land value in the event the Commission chose to exercise that option.

\*\*The Commission also asked that per its Minutes of 12/6, that Attorney Marcus comment on Mr. Howland's letter.

**A motion was made by D. Frankel to continue the public hearing for 44 and 52 Obtuse Road South, #201200890 re: Re-Subdivision to January 17, 2013, at 7:45 p.m. P. Conlon seconded the motion which carried unanimously.**

A. Kerley will do the checklist.

**4. New Business:**

- a. Proposed Zoning Regulation Change #201201067: Section 242-505B-H – Town Center District**

- 1. Memo from the Zoning Commission to the Planning Commission dated 12/10/12 Re: Proposed Zoning Regulation Change**
  - **Application for Regulation Change #201201067**

P. Conlon noted the height restriction has been lowered with the possibility of higher dwellings if certain requirements met. He suggested making reference to item H7 in the Maximum Height of Table E. N. Tolmoff raised the option of having a requirement for lower-level parking for structures that have proposed residential components. Some other commissioners disagreed, indicating that while it made sense, it could be costly to developers if it was to be made part of the regulation change. P. Conlon raised a concern over the design review item F2 possibly “adding another layer to the approval process.”

**A motion was made by P. Conlon, with regard to Proposed Zoning Regulation Change #201201067, to send a letter to the Zoning Commission noting the Planning Commissioners’ comments above. D. Frankel seconded and motion carried unanimously.**

**5. Minutes of Other Boards & Commissions:**

**Zoning 11/29/12:** Riverview Luxury Apartments: some under incentive housing regulation; Signage at Irving Gas Station under Enforcement;

**Zoning 12/13/12: Name change for Riverview (above): now Green Acres of Brookfield;**

A. Kerley noted that with all proposed development of apartments and condominiums, the projected decline in school population may reverse itself;

**Wetlands 12/10/12:** No comments;

**Wetlands 12/17/12:** No comments

**7. Informal Discussion:** The Chairman asked that the Commissioners respond to Katherine Daniel regarding the seminar on Land Use Academy: how can it best be coordinated. What weekday evenings are you not available in February? Please respond to K. Daniel.

**8. Tabled Items: There were none at this meeting.**

**9. Adjourn: A motion was made by N. Tolmoff, seconded by L. Taylor, to adjourn the meeting at 9:15 p.m. Motion carried unanimously.**

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**A. Kerley, Vice Chairman/Acting Chairman**