

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, October 13, 2011 – 7:00 p.m.
TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Chairman W. Mercer convened the meeting at 7:02 p.m. and established a quorum of members.

Present: Chairman W. Mercer, Vice Chairman R. Blessey, Secretary C. Lynch, F. Weisman, Alternate and Voting Member F. Lollie, Alternate M. Grimes (arrived at 7:08 p.m.)

Absent: S. Parker

Also Present: Zoning Enforcement Officer A. Dew

- a. **Review Minutes of Previous Meetings:** 9/8/11 – Vice Chairman Blessey moved to approve the Minutes of the September 8, 2011 meeting. Commissioner Weisman seconded the motion, and it carried, 3-0-2, with Chairman Mercer and Secretary Lynch abstaining.

9/22/11 – Vice Chairman Blessey moved to approve the Minutes of the September 22, 2011 meeting. Chairman Mercer seconded the motion, and it carried, 3-0-2, with Commissioner Lollie and Secretary Lynch abstaining.

2. Land Use Enforcement

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

ZEO Dew reported on the following:

Requests for Voluntary Compliance

48 Berkshire Drive, #201100507 – Upon inspection today, the dumpster and rubbish have been removed. Chairman Mercer moved to remove 48 Berkshire Drive #201100507 from the Enforcement Report. Vice Chairman Blessey seconded the motion, and it carried unanimously.

13 Hillside Court #201100836 – An email was received by the Board of Selectmen from a previous tenant regarding an illegal apartment. A Request for Voluntary Compliance was sent.

74 Candlewood Lake Road #201100755 – This matter relates to five vehicles at the site that may not be registered. ZEO Dew reported that three of the vehicles are not drivable. A response to the RVC was requested by November 12, 2011.

Cease and Desist Orders

164 Federal Road, #201100743 – ZEO Dew spoke with the business owner who is attempting to speak with the Firestone Corporation. There has been no response from Firestone, and it has not requested a Show Cause Hearing. Vice Chairman Blessey also noted that there is a storage structure containing tires in the rear of the building.

9 Hop Brook Road #201100667 – Show Cause Hearing to be held tonight.

52 North Lakeshore Drive, #201100612 – ZEO Dew reported that the Cease and Desist was sent a few days ago.

Citations

6 Autumn's Way, #201100480 – A hearing was held with Brendan Froehlich as the Hearing Officer, and ZEO Dew is awaiting a decision.

54 Ironworks Road #201100755 – ZEO Dew delivered a Citation for the alleged scrap metal business operating on the site. An additional Citation has been issued with Christopher Bouchard’s name on it.

Commissioner Grimes arrived at 7:08 p.m.

Town Counsel Action

20 Station Road, #200101116 – No update has been received.

533 Federal Road #200900708 – The last update on this matter was received in August.

45 Riverford Road #200900768 - “ “

1 High Ridge Road, #201001067 – Awaiting an update from Special Town Counsel P. Olson.

b. Show Cause Hearing:

1. 9 Hop Brook Road #201100667: E. Luis and L. Luis, 9 Hop Brook Road, were present. ZEO Dew reported that the complaint was received through the Health Department. At that time, she reviewed the requirements for an elderly conversion with the property owners. An RVC, and then a Cease and Desist Order, were issued, without response. Mr. Luis reported that at the suggestion of the Sanitarian, the pipes have been disconnected. He further advised that the apartment use has been abandoned and that he and his wife will not be seeking an approval for an elderly conversion application. The Sanitarian will be inspecting the house tomorrow to ensure that the pipes have been disconnected. **Vice Chairman Blessey moved to remove the Cease and Desist Order for 9 Hop Brook Road, #201100667, pending the inspection and approval of the Sanitarian on October 14, 2011. Chairman Mercer seconded the motion, and it carried unanimously.**

3. Review Correspondence

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission 9/26/11;
Zoning Board of Appeals 10/3/11; Planning Commission 9/15/11; Zoning Sub-Committee
- b. Memo from David Martone (Water Source) to Zoning Commission dated 9/7/11
Re: 200 Federal Rd, Costco Application #201100398
- c. Memo from David Martone (Water Source) to Zoning Commission dated 9/7/11
Re: 20-28 Old Gray’s Bridge Rd., Old Gray’s Bridge Industrial Building, Application #201100632
- d. Letter from David A. Sawicki, State Traffic Commission, to Carl & Dorothy Bennett dated 9/22/11 Re: BJ’s Wholesale Club
 - Traffic Investigation Report No. 018-1105-01
- e. Letter from David A. Sawicki, State Traffic Commission, to Mr. Fred Greenberg, P.E. of
BL Companies dated 9/22/11 Re: Costco Expansion – Certificate Application: STC #018-1109-01

f. Letter from Helen M. Gallagher, Senior Attorney, to The Honorable Kimberly D. Bose,

Secretary of F.E.R.C. dated 10/3/11 Re: Iroquois Gas Transmission System, L.P. Docket No. CP07-457-000 Quarterly Status Report

No discussion/no motions.

Commissioner Grimes moved to go to Agenda Item 5.a. Vice Chairman Blessey seconded the motion, and it carried unanimously.

5. Old Business:

a. **227 Federal Road #201100525:** Site Plan Modification – Storage of material and proposed stone cutting (*new extended dec date 11/21/11*)

1. Map titled “Existing Conditions Site Plan” prepared by CCA, LLC dated 7/20/11 –
sheet 1 of 1

E. Vasquez, 227 Federal Road, was present. The plans from CCA were reviewed. Mr. Vasquez reported that the stone cutting operation at the site will be discontinued. Upon inquiry from Commissioner Grimes, Mr. Vasquez pointed out where the storage will occur at the rear of the site. Chairman Mercer indicated that he saw some material in the front of the building today, but ZEO Dew and Mr. Vasquez both stated that it is thirty-five feet from the road. **Vice Chairman Blessey moved to approve 227 Federal Road #201100525 for stone cutting. This motion was withdrawn.**

Vice Chairman Blessey moved to approve 227 Federal Road, #201100525, and give the applicant until November 23, 2011 (seven weeks) to complete the stone cutting operation at the site. Commissioner Lollie seconded the motion, and it carried unanimously.

Chairman Mercer moved to go to Agenda Item 6.d., 28 Old Route 7. Vice Chairman Blessey seconded the motion, and it carried unanimously.

6. New Business:

d. **28 Old Route 7 #201100397:** Request for revised Bond Amount (*2 separate estimates given to comply with present and then possible change in Performance Bonding Regulation*)

1. Bond Estimate (version #1) dated 10/5/11
2. Bond Estimate (version #2) dated 10/6/11

D. Cole, 192 Whisconier Road, was present. He indicated that he prepared two bond estimates in light of the pending regulation change. He reviewed both estimates and pointed out the landscaping portion of the estimate. The site work cannot be completed until the bond is posted. After review and discussion, the estimate was calculated to be \$94,127.00 and this was initialed by Mr. Cole. **Vice Chairman Blessey moved to accept the bond estimate for 28 Old Route 7 #201100397, at \$94,127.00, and in the event the bonding regulation change application fails, it will revert back to Bond Estimate Version #1. Chairman Mercer**

seconded the motion, and it carried unanimously.

- a. **Proposed Regulation Change #201100838:** Section 242-501 – Table of Permitted Uses

- Memo from Alice Dew, ZEO to Zoning Commission dated 10/3/11 Re: Apparent errors in the Table of Permitted Uses

Chairman Mercer explained the rationale for the application: to correct the addition and amendment of the use table when the Town Center District regulations were approved. The intent of those regulations was to increase square footage allowances, not to change uses. This will allow the Commission to review the use table for the TCD at the public hearing for this matter. **Commissioner Grimes moved to set a Public Hearing for the Proposed Regulation Change #201100838: Section 242-501 – Table of Permitted Uses, for December 1, 2011. Vice Chairman Blessey seconded the motion, and it carried unanimously.**

- b. **Proposed Regulation Change #201100827:** Section 242-305C(11) – Handicapped Parking

Vice Chairman Blessey advised that this application is being brought to the Commission to make the regulation in line with those of the State of Connecticut that relate to handicapped parking spaces. **Commissioner Grimes moved to set a Public Hearing for the Proposed Regulation Change #201100827, Section 242-305C(11) – Handicapped Parking, for December 1, 2011. Secretary Lynch seconded the motion, and it carried unanimously.**

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

- a. **Proposed Regulation Change #201100621:** Section 242-705A-E – Performance Bonding Schedule – NRRP & Residential

1. Letter from Neil R. Marcus to Zoning Commission dated 10/7/11 Re: Opinion re

Proposed Zoning Regulation Changes Section 242-705 A-E, Performance Bonding

Schedule – NRRP & Residential

- Public Act No. 11-79

The letter of Attorney Marcus dated October 7, 2011 was reviewed and discussed. Vice Chairman Blessey noted the conflict with Section 242-705E. After discussion, the following language will be added, “In addition, the institution upon which the bond is issued shall also be acceptable to the Board of Selectmen or the Town Counsel pursuant to Public Act 11-79.”

It was also noted that there is typographical error in the sentence immediately prior to this, and it was requested that “Board of Selectman” be changed to “Board of Selectmen”.

Chairman Mercer moved to close the Public Hearing re: Proposed Regulation Change #201100621: Section 242-705A-E, Performance Bonding Schedule – NRRP & Residential. Vice Chairman Blessey seconded the motion, and it carried unanimously.

Vice Chairman Blessey moved to approve the Proposed Regulation Change #201100621: Section 242-705A, B and C, as noted in the application and per the changes just made as referenced in the Minutes above. Commissioner Lollie seconded the motion, and it carried unanimously.

D. Cole, 192 Whisconier Rd., was present, and there was brief discussion regarding the language as it pertains to surety bonds. Town Counsel will be consulted.

6. New Business (continued)

c. Land Use Commission Regular Meeting Schedule for 2012 “Draft”: Review for

Approval – Commissioner Grimes moved to approve the Land Use Commission Regular Meeting Schedule for 2012 “Draft”, for the Zoning Commission. Secretary Lynch seconded the motion, and it carried unanimously.

7. Tabled Items: None.

8. Informal Discussion: None.

9. Comments of Commissioners: Vice Chairman Blessey recommended that a letter be sent to the Water Source Committee with a request that its responses to Commissioner inquiries arrive in a more timely manner, as the Zoning Commission as time limits on deciding applications. Two letters were recently received from the WSC for projects that were already approved. Chairman Mercer will draft a letter to the Chief of the Water Source Committee.

10. Adjourn: Vice Chairman Blessey moved to adjourn the meeting at 7:44 p.m. Secretary Lynch seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for October 27, 2011****